

S.C. 19768	:	STATE OF CONNECTICUT
	:	
CONNECTICUT COALITION FOR	:	SUPREME COURT
JUSTICE IN EDUCATION FUNDING	:	
INC, et al.	:	
<i>Plaintiffs-Appellees</i>	:	
v.	:	
RELL, M. JODI ET AL.	:	
<i>Defendants-Appellants</i>	:	March 1, 2017

RESPONSE TO MOTION FOR ASSIGNMENT IN MAY 2017 TERM

Plaintiffs hereby respond to the Defendants' Motion for Assignment for Argument in the May 2017 Term. Plaintiffs agree with Defendants that this litigation, which arises out of 60 days of evidence compiled in response to this Court's earlier mandate seeking a fully developed record addressing the constitutional rights acknowledged in its earlier ruling, presents matters of great public interest and importance. Given the extensive record and the complex, and in many cases, novel questions this appeal presents, Plaintiffs believe that the Court is in the best position to determine when hearing the argument would be most beneficial for a thorough disposition of the several issues raised in this appeal, after it has had time to assess the briefs submitted by the parties.

I. BRIEF HISTORY OF THE CASE

In 2005, Plaintiffs brought this action alleging that the State of Connecticut failed to provide a constitutionally adequate and equitable education. The former docket number was HHD-CV05-4050526-S. The Defendants challenged Plaintiffs' claims arguing there was no constitutional right to an adequate education and that Plaintiffs' claim was not justiciable. The trial court struck the claims and Plaintiffs applied for certification to appeal under Conn. Gen. Stat. § 52-265a, and this Court granted review. This Court held the claim was justiciable and remanded the case to the trial court for further proceedings.

Connecticut Coalition for Justice in Education Funding v. Rell, 295 Conn. 240 (2010) (“*CCJEF I*”). Following discovery and other pre-trial issues, the case was tried from January 12, 2016 through June 3, 2016. The trial court issued a 90-page opinion on September 7, 2016, accompanied by several additional subordinate rulings and extensive findings of fact. Memorandum of Decision (Sept. 7, 2016), A450-A704. Subsequently, the Defendants filed certification to appeal under Conn. Gen. Stat. § 52-265a and Plaintiffs filed an opposition as well as a cross appeal. On September 20, 2016, this Court granted the Defendants’ application for certification in addition to Plaintiffs’ request under Conn. Gen. Stat. § 52-265a to review issues adversely decided to Plaintiffs as listed in their opposition papers. The Court also issued a stay of further proceedings in the trial court relating to remedy pending the appeal.

II. SPECIFIC FACTS UPON WHICH THE PLAINTIFFS RELY:

This litigation involves a number of complex and novel issues of constitutional interpretation, and contains a detailed and substantial record. The case was tried over a nearly five-month period, from January 12 through June 3, 2016, involved testimony from over 50 witnesses, and generated a trial record of over 10,000 pages. The trial court’s opinion is 90 pages, plus an additional six pages of subordinate rulings and an additional 1,060 factual findings. On appeal, the parties will submit a total of 195 pages of briefing, in addition to briefs from a number of amici. The appendices at this point, midway through briefing, total over 3,200 pages.

The issues raised on appeal are substantial and numerous. Defendants have challenged the legal principles and analysis that underlie several rulings by the trial court that found unconstitutional a number of different educational policies and standards of the

state. In addition to responding to the Defendants' appeal on these issues, Plaintiffs appealed the court's separate rulings relating to the adequacy of funding of education by the state, as well as the trial court's rejection of a distinct claim for violation of the equal protection rights of the Plaintiffs. The trial court's rulings were intended to address several legal issues that were left unsettled in this Court's prior decision in *CCJEF I*, 295 Conn. 240, as well as to apply those more fully articulated legal standards to the evidence presented by the parties.

In light of the extensive record on appeal and the complexity and importance of the issues involved in this litigation that arrive in this Court for a second time, Plaintiffs submit that this Court is best situated to determine the appropriate schedule for argument once it has before it the full record and full scope of the issues that require resolution. Given that this case concerns matters of great public interest and importance that will have a lasting impact on thousands of Connecticut students, Plaintiffs believe that it would be presumptuous to assume that the Court will be in a position to entertain argument at any given time. Rather, Plaintiffs believe that the Court should be free to determine when oral argument would best assist it to determine the many issues raised in this appeal

III. LEGAL GROUNDS UPON WHICH THE PLAINTIFFS RELY:

Section 69-2 of the Practice Book provides that cases will be considered ready for assignment when the briefs and appendices of all parties have been filed, and Section 69-3 provides that the Court may determine the order of assignment of cases for argument.

IV. CONCLUSION:

Plaintiffs respectfully submit that the Court set what it considers to be an appropriate schedule for oral argument after briefing has been completed.

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CERTIFICATIONS

Pursuant to Connecticut Practice Book § 62-7, I hereby certify that a copy of the foregoing Response was electronically filed on March 1, 2017 and that a copy was electronically sent to all counsel of record as set forth below.

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I further certify that: this document does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law; and that this document complies with all applicable rules of appellate procedure.

/s/ Cara Moore
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